

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA; and  
RASIER, LLC,

Plaintiffs,

vs.

THE CITY OF SEATTLE; SEATTLE  
DEPARTMENT OF FINANCE AND  
ADMINISTRATIVE SERVICES; and FRED  
PODESTA, in his official capacity as Director,  
Finance and Administrative Services, City of  
Seattle,

Defendants.

No. 17-cv-00370-RSL

**STIPULATED MOTION TO EXTEND  
MOTIONS AND BRIEFING SCHEDULE**

**NOTED ON CALENDAR: March 5, 2019**

## STIPULATED MOTION TO EXTEND MOTIONS AND BRIEFING SCHEDULE

Pursuant to Local Rules 7(d)(1) and 10(g), Plaintiffs and Defendants (“Seattle”) submit this stipulated motion to extend the deadlines set forth in the parties’ January 15, 2019 Joint Status Report. For the reasons set forth herein, the parties stipulate and agree that the time for Seattle to file its Rule 56(d) motion shall be extended by two weeks, to March 22, 2019, and the opposition and reply deadlines will likewise be extended by two weeks.

1. This case, on remand from the Ninth Circuit, involves a facial challenge to a Seattle ordinance authorizing for-hire drivers to engage in collective negotiations over the terms of their contracts with ride-referral and similar companies (known under the ordinance as “driver coordinators”). Plaintiffs allege that the ordinance violates and is preempted by federal antitrust law.

2. On October 26, 2018, the parties submitted a Joint Status Report and Discovery plan agreeing to defer discovery pending the Court’s resolution of a motion for discovery under Rule 56(d) to be filed by Seattle after Plaintiffs moved for summary judgment, and agreeing to a scheduling for the filing and briefing of such motions. The parties further agreed to suspend the filing and briefing of such motions while the Seattle City Council considered an amendment to the challenged ordinance.

3. On January 11, 2019, the Mayor signed into law an amendment to the ordinance.

4. On January 15, 2019, the parties submitted a Joint Status Report providing that Plaintiffs’ motion for summary judgment would be filed by February 15, 2019; Seattle’s Rule 56(d) motion would be filed by March 8, 2019; Plaintiffs’ opposition to the Rule 56(d) motion would be filed by March 29, 2019; and Seattle’s reply in support of the Rule 56(d) motion would be filed by April 12, 2019. The parties’ proposed schedule provided that, if Seattle chose not to file a Rule 56(d) motion, its opposition to Plaintiffs’ motion for summary judgment would be due by March 29, 2019.

5. Plaintiffs filed their motion for summary judgment on February 15, 2019.

6. Under the existing briefing schedule, Seattle’s Rule 56(d) motion is due on March 8, 2019.

7. Seattle requires additional time to prepare its Rule 56(d) motion. The additional time is necessary because Seattle’s counsel has a number of other commitments during the time frame in

1 which its motion must be researched and drafted. These commitments were not apparent to counsel  
2 for Seattle when the parties agreed to the proposed schedule in January, but make it impossible for  
3 Seattle to prepare its Rule 56(d) motion within the allotted time.

4 8. No party will be prejudiced by the proposed extension.

5 9. Accordingly, the parties stipulate to the proposed revised schedule for briefing and  
6 filing of motions:

7 Seattle's Rule 56(d) Motion: March 22, 2019

8 Plaintiffs' Opposition to Rule 56(d) Motion: April 12, 2019

9 Seattle's Reply in Support of Rule 56(d) Motion: April 26, 2019.

10  
11 IT IS SO STIPULATED.

12 DATED this 5th day of March, 2019. Respectfully submitted,

13 PETER S. HOLMES  
14 Seattle City Attorney

15 By: /s/Stacey M. Leyton  
16 WSBA #53757  
17 Stephen P. Berzon (pro hac vice)  
18 Stacey M. Leyton (pro hac vice)  
19 P. Casey Pitts (pro hac vice)  
20 Altshuler Berzon LLP  
21 177 Post Street, Suite 300  
22 San Francisco, CA 94108  
23 Phone: (415) 421-7151  
24 Fax: (415) 362-8064  
25 E-mail: sberzon@altber.com  
26 E-mail: slepton@altber.com  
27 E-mail: cpitts@altber.com

Gregory C. Narver, WSBA #18127  
Sara O'Connor-Kriss, WSBA #41569  
Assistant City Attorneys  
Seattle City Attorney's Office  
701 Fifth Avenue, Suite 2050  
Seattle, WA 98104  
Phone: (206) 684-8233 — Gregory C. Narver  
Phone: (206) 615-0788 — Sara O'Connor-Kriss

Fax: (206) 684-8284  
E-mail: gregory.narver@seattle.gov  
E-mail: sara.oconnor-kriess@seattle.gov

*Attorneys for Defendants*

By: s/ Christian G. Vergonis

Michael A. Carvin  
(D.C. Bar No. 366784)

(pro hac vice)  
Christian G. Vergonis  
(D.C. Bar No. 483293)  
(pro hac vice)

Jacqueline M. Holmes  
(D.C. Bar No. 450357)  
(pro hac vice)

Robert Stander  
(D.C. Bar No. 1028454)

(pro hac vice)  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
(202) 879-3939  
(202) 616-1700 FAX  
mcarvin@jonesday.com

Timothy J. O'Connell, WSBA 15372  
STOEL RIVES LLP  
600 University Street, Suite 3600  
Seattle, WA 98101  
(206) 624-0900  
(206) 386-7500 FAX  
Tim.oconnell@stoel.com

Steven P. Lehotsky  
(D.C. Bar No. 992725)  
(pro hac vice)  
U.S. CHAMBER LITIGATION CENTER  
1615 H Street, N.W.  
Washington, D.C. 20062  
(202) 463-3187  
slehotsky@uschamber.com

*Attorneys for Plaintiff  
Chamber of Commerce of the  
United States of America*

1 By: s/ Robert J. Maguire  
2 Robert J. Maguire, WSBA 29909  
3 Douglas C. Ross, WSBA 12811  
4 DAVIS WRIGHT TREMAINE  
5 Suite 3300  
6 920 Fifth Avenue  
7 Seattle, WA 98104-1610  
8 (206) 622-3150  
9 (206) 757-7700 FAX  
10 robmaguire@dwt.com  
11  
12  
13  
14  
15  
16  
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*Attorneys for Plaintiff Rasier, LLC*

**ORDER**

IT IS SO ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
The Hon. Robert S. Lasnik  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of March, 2019, I electronically filed this STIPULATED MOTION TO EXTEND MOTIONS AND BRIEFING SCHEDULE with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the below-listed:

Timothy J. O'Connell	tim.oconnell@stoel.com
Michael A. Carvin	mcarvin@jonesday.com
Jacqueline M. Holmes	jholmes@jonesday.com
Christian G. Vergonis	cvergonis@jonesday.com
Robert Stander	rstander@jonesday.com
Lily Fu Claffee	lfclaffee@uschamber.com
Steven P. Lehotsky	slehotsky@uschamber.com
Warren Postman	wpostman@uschamber.com
Kathryn Comerford Todd	ktodd@uschamber.com
Robert J. Maguire	robmaguire@dwt.com
Douglas C. Ross	douglasross@dwt.com

DATED this 5th day of March, 2019, at Seattle, Washington.

By: /s/Stacey M. Leyton  
sleyton@altber.com